



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,960	09/25/2001	Thomas Burkhardt	020431.0947	1567
53184 7590 05/11/2006 i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			EXAMINER DESHPANDE, KALYAN K	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/963,960	BURKHARDT ET AL.	
	Examiner	Art Unit	
	Kalyan K. Deshpande	3623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 6, 15 and 24.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 300

Continuation of 11. does NOT place the application in condition for allowance because:

In response to Applicant's argument the limitation "the number of distributed sub-problems and database partitions equal to three" is not obvious as per claims 3, 12, and 21, Examiner respectfully disagrees. Applicant makes general assertions and allegations of patentability, but does not provide any support for these assertions and allegations. The specific example taught by Jameson has four sub-problems and database partitions. The three sub-problems recited by this invention is contained within the four taught by Jameson. In other words, 4 sub-problems and database partitions include 3 sub-problems. Further, Jameson teaches the number of sub-problems is equal to the number of scenarios to be introduced to the planning problem. Thus, the Jameson system can have three scenarios resulting in three sub-problems for a given planning problem. It would have been obvious, at the time of the invention, to one of ordinary skill in art to introduce three scenarios to the Jameson system to have the number of sub-problems and database partitions equal to three.

As per claim 6, Jameson teaches the method of Claim 2, wherein the step of forming a plurality of distributed sub-problems partitions from said plurality of sub-problem partitions from said plurality of clusters further comprises a step of collecting the values for specific variables resulting in each distributed independent sub-problem having the same size (see column 19 line 50 - column 20 line 3; where Jameson's system is adapted to a cash management problem where each scenario or sub-problem has values specific variables). Jameson fails to disclose the step of forming a plurality of sub-problem partitions from said plurality of sub-problem partitions from said plurality of clusters further comprises a step of sizing said sub-problem partitions as close to equal as possible. Fierro teaches stabilizing the system by grading the number of sub-problems in order to an optimal number and attempting to maintain this number of sub-problems for future iterations (see column 9 line 19 - column 20 line 35). The advantage of sizing the sub-problem partitions as close to equal as possible is to maximize the efficiency of parallel processing in solving for each sub-problem, thereby increasing the efficiency of the overall system. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to incorporate the advantages of sizing the sub-problem partitions as close to equal as possible as taught by Fierro to Jameson's system in order to more efficiently solve the sub-problems and increase the overall efficiency of the system, which is a goal of Jameson (see column 19 line 50 - column 20 line 3). Claims 15 and 24 recite limitations already addressed by the rejection of claim 6; therefore the same rejection applies to this claim.